

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK----- X  
**JUAN CARLOS TORRES IBARRA, et al.,**

Plaintiffs,

– against –

**W&L GROUP CONSTRUCTION INC., et al.,**Defendants.  
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X

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: **MEMORANDUM AND ORDER**

: 19-CV-1582 (AMD) (MMH)

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**ANN M. DONNELLY**, United States District Judge:

On March 19, 2019, the plaintiffs brought this action, on behalf of themselves and other similarly situated persons, against the defendants, alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, and the New York Labor Law §§ 650 *et seq.* (ECF No. 1.)<sup>1</sup> On December 28, 2021, the parties filed a joint motion for approval of their settlement agreement. (ECF No. 52.) I referred the motion to Magistrate Judge Marcia M. Henry on January 3, 2022.

On April 21, 2022, Judge Henry held a *Cheeks* hearing, after which she issued a Report and Recommendation recommending that the parties' motion be denied without prejudice; she also suggested that the parties submit a revised, fully executed settlement agreement to address the deficiencies identified at the *Cheeks* hearing. (*See* April 22, 2022 Report and Recommendation.) None of the parties objected to the Report and Recommendation within the allotted 14-day period. Accordingly, I adopted the Report and Recommendation in its entirety after finding no error. (ECF No. 55.)

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<sup>1</sup> On August 6, 2019, W&L Group Construction Inc. ("W&L Group") moved to dismiss the complaint. (ECF No. 17.) I granted W&L Group's motion, but gave the plaintiffs leave to amend, which they did on November 20, 2019. (ECF Nos. 23, 25.) On March 19, 2020, W&L Group moved to dismiss the amended complaint. (ECF No. 30.) I denied that motion on December 8, 2020. (ECF No. 39.)

On May 31, 2022, the parties filed a joint motion for approval of their amended settlement agreement in accordance with the April 22, 2022 Report and Recommendation. (ECF No. 58.) I referred the parties' motion to Judge Henry on June 14, 2022. After reviewing the revised settlement agreement, Judge Henry issued a second Report and Recommendation on August 8, 2022 recommending that the parties' motion for approval of their amended settlement agreement be granted. (*See* August 8, 2022 Report and Recommendation.) Judge Henry found that the amended settlement agreement was "fair and reasonable." (*Id.*) Specifically, Judge Henry determined that the proposed attorney's fees were reasonable, the scope of the legal release was appropriately limited, and that the confidentiality provisions contained a carveout for truthful statements that addressed one of the deficiencies Judge Henry identified in the April 22, 2022 Report and Recommendation. (*Id.*) No objections have been filed to the August 8, 2022 Report and Recommendation, and the time for doing so has passed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

### **CONCLUSION**

I have reviewed Judge Henrys' well-reasoned August 8, 2022 Report and Recommendation and find no error. Accordingly, I adopt the August 8, 2022 Report and Recommendation in its entirety. The parties' Joint Motion for Settlement Approval is granted. The Clerk of Court is respectfully directed to close this case.

**SO ORDERED.**

s/Ann M. Donnelly

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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
August 25, 2022